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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th Day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARIAH

WRIT PETITION NO. 2461/1997

Between:

1. Sri.P.D.Nayak,
S/o.Late Pangal Sridhar Nayak,
Aged about 72 years,
by GPA holder.
2. Smt.P.Usha Nayak,
W/o.Sri.P.D.Nayak,
Aged about 64 years,
by GPA holder,
Both residing at "Nandini",
Kathriguppa Village,
Poornapragna Nagar,
Bangalore - 560 085.
3. M/S.Skyline Constructions
Pvt. Ltd.,
having its office at Unit II,
Ist Floor, St.Patrick's
Business Complex,
Museum Road,
Bangalore - 560 025,
by its Director,
Carmel Prabhu, major.
4. M/s. Skyline Builders
Pvt. Ltd.,
having its office at
Unit II, Ist Floor,
St.Patrick's Business
Complex, Museum Road,
Bangalore - 560 025.
by its Director,
Carmel Prabhu, major.

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5. Smt.Carmel Prabhu,
W/o.Sri.Peter J.R.Prabhu,
Aged about 45 years
6. Sri Peter J.R.Prabhu,
S/o.Late H.P.P. Rodrigues,
Major,

Petitioners 5 and 6 are
Residing at No.78,
Kalmane, Lavelle Road,
Bangalore - 560 001.
7. M/S.Apollo Impex Pvt. Ltd.,
having its office at Unit-II,
1st Floor, St.Patrick's
Business Complex,
Museum Road,
Bangalore - 560 025.
by its Director Peter
J.R.Prabhu, major.
8. M/S.Ajantha Sea Foods
Pvt. Ltd.,
having its office at
Unit-II, Ist Floor,
St.Patrick's Business
Complex, Museum Road,
Bangalore - 560 025.
by its Director
Peter J.R.Prabhu, major.
9. Smt.Kanaka V.Nayak,
W/o.Late Vijaya Shankar
Nayak, Aged about 45 years,
Residing at "Nandini",
Kathriguppa Village,
Poornapragna Nagar,
Bangalore - 560 085.
by GPA holder
Baptist D'Souza.
10. M/S.Winfie ld Enterprises
Pvt. Ltd.,
having its office at No.243/2,
Borewell Road, Whitefield,
Bangalore - 560 066.
by its Director.

...PETITIONERS

(By M/S. Kumar & Kumar, Advs.)

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And:

1. The Commissioner,
Corporation of the
City of Bangalore,
N.R.Square,
Bangalore - 560 002.
2. The Assistant Executive
Engineer and Delegated
Authority of Commissioner,
Bangalore Mahanagara
Palike, N.R.Square,
Bangalore - 560 002.

...RESPONDENTS

(By Sri.Muniyappa, Adv.)

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This Writ Petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash vide Annexure 'G' dt.16.12.96 and Annexure 'N' dt.30.12.1996 by R-2.

This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:-

O_R_D_E_R

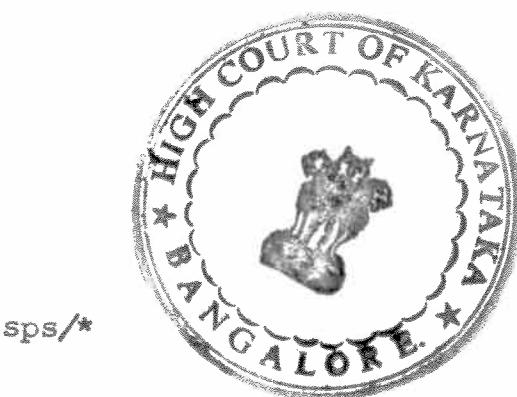
The petitioners in this Writ Petition have challenged the order passed by the Corporation under Section 321(3) of the Karnataka Municipal Corporation Act. After going through the order of the Corporation, I find the Corporation has

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not specified what is the deviation in the con-
~~struction~~^{approved} from the ~~provided~~ plan. If that is
so, the order cannot be said to be a speaking
order. Therefore, in my opinion, the matter
requires re-consideration. In the result, I
pass the following order:

2. The Writ Petition is allowed. The
order passed by the Corporation under Section
321(3) of the Karnataka Municipal Corporation
Act produced as Annexure 'G' is quashed. The
matter is remitted to the Corporation to
consider the matter afresh after due notice to
the petitioners.



Sd/-
JUDGE